

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA

Plaintiff,

v.

AGRI STATS, INC.

Defendant.

Civil Action No.: 23-cv-03009

NOTICE OF RELATED CASE

The United States hereby notifies the Court that this case is potentially related to the multidistrict litigation captioned *In re Pork Antitrust Litigation* (“*In re Pork*”), Case No. 0:18-cv-01776, MDL No. 2998 (D. Minn.) (Tunheim, J.). Plaintiffs in *In re Pork* allege that Defendant Agri Stats conspired with pork processors to exchange competitively sensitive information, thereby reducing output and raising prices of pork.¹ This enforcement action qualifies as related to *In re Pork* under the District of Minnesota’s Order for Assignment of Cases because these cases share a common party as well as common issues of fact and law. *See* D. Minn. Ord. Assignment of Cases ¶ 4 (July 19, 2021)

¹ *E.g.*, Consumer Indirect Purchaser Pl.’s Fourth Am. & Consolidated Class Action Compl. (“Consumer IPP Compl.”) ¶¶ 17-96, ECF No. 1111; Direct Purchasers Plaintiffs’ Third Am. & Consolidated Class Action Compl. ¶¶ 35-66, ECF No. 431; Commercial & Institutional Indirect Purchaser Pl.’s Fourth Am. & Consolidated Class Action Compl. ¶¶ 40-71, ECF No. 808.

(Tunheim, J.).

Defendant Agri Stats was named as a defendant in several of the cases consolidated in *In re Pork*.² Both proceedings bring claims under Section 1 of the Sherman Act alleging that Agri Stats has suppressed competition by orchestrating the exchange of competitively sensitive information among pork processors.³ See *In re Pork Antitrust Litig.*, 2023 WL 2696497, at *15 (D. Minn. March 29, 2023) (Tunheim, J.) (discussing the legal framework for assessing anticompetitive information exchanges). Accordingly, like *In re Pork*, this action concerns the pork processing industry (as well as the turkey and broiler chicken industries), the level and means of competition in the pork industry, how processors make pricing and output decisions, how Agri Stats’ data-sharing and consulting services work, and protein processors’ use of Agri Stats reports.

² See, e.g., *Associated Grocers of the South, Inc. v. Agri Stats, Inc.*, No. 3:21-cv-10038 (N.D. Cal.); *The Kroger Co. v. Agri Stats, Inc.*, No. 5:21-cv-10037 (N.D. Cal.); *Subway Protein Litig. Corp. v. Agri Stats, Inc.*, No. 3:21-cv-00869 (D. Conn.); *Cheney Brothers, Inc. v. Agri Stats, Inc.*, No. 9:21-cv-80424 (S.D. Fla.); *Sysco Corp. v. Agri Stats, Inc.*, No. 4:21-cv-00773 (S.D. Tex.).

³ Compare, e.g., Consumer IPP Compl. ¶ 170 (“The Pork processors agreed with Agri Stats to reciprocally exchange competitively sensitive business information, including information regarding production levels and sales of pork.”), with Compl. ¶ 104, *United States v. Agri Stats, Inc.*, (D. Minn.) (“In each of the broiler chicken, pork, and turkey markets, the processors agreed with Agri Stats and with each other to pay Agri Stats to manage the exchange of competitively sensitive information among the processors.”).

Given that these cases share a common defendant and legal and factual issues, the United States believes that joint assignment would promote judicial economy and administrative efficiency.⁴

Dated: September 28, 2023

Respectfully submitted,

FOR PLAINTIFF UNITED STATES OF AMERICA:

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⁴ While this enforcement action is related to *In re Pork*, the United States does not support consolidation of the two actions. Congress has expressly exempted the United States from multidistrict consolidation in antitrust litigation. 28 U.S.C. § 1407(g) (“Nothing in this section shall apply to any action in which the United States or a State is a complainant arising under the antitrust laws.”).

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